REMARKS

Claims 1 and 5-7 have been canceled, thus substantially limiting the compounds claimed in the instant Application to those claimed in Claims 12-14.

Claims 8 and 10 have been amended by changing the dependency of each to Claim 13.

Claim 11 has been amended as a narrowing of the scope of Claim 10, and deletion of reference to "a pharmaceutically-acceptable salt thereof", as already included as a compound in Claim 12 itself.

Claim 12, gratefully considered allowable by the Examiner if written in independent form, has been amended by changing its dependency from a canceled Claim to the much more limited Claim 13.

Claim 13 has also been amended by deletion of a dependency on the same canceled Claim, as well as by substantial limitation on its scope.

New Claim 15 merely represents a narrowing of the scope of Claim 8.

And new Claims 16 and 17 are supported in the Specification at page 21, lines 10 and 11, and page 22, paragraph 1.2.

No new matter is believed to have been added to the Application as a result of any of these amendments.

Claims 8 and 10-17 are therefore now currently pending in the instant Application, for which a favorable reconsideration is respectfully requested.

Claims 1, 5-8, 10, 11, 13 and 14 have been rejected under 35USC103(a) as unpatentable over Albert *et al* (WO 02/38561A1).

Published International Patent Application WO 02/38561A1 (Novartis AG, with Rainer Albert the first named inventor, '561) describes indolylmaleimide derivatives in free form or salt form, as optical isomers, racemates, or diastereoisomers, which compounds comprise a substituted phenyl, naphthyl, tetrahydronaphthyl, quinazolinyl, quinolyl, isoquinolyl or pyrimidinyl residue, but "not...a pyridine ring in the R position", as acknowledged by the Examiner, which compounds inhibit Protein Kinase C (PKC), T-cell activation and proliferation, and the proliferative response of T-cells to cytokines; as well as processes for the preparation of these compounds; and pharmaceutical compositions comprising these compounds in free form or pharmaceutically-acceptable salt form with at least one pharmaceutically-acceptable carrier or diluent for, inter alia, the treatment and/or prevention of T-cell-mediated acute or chronic inflammatory diseases or disorders, autoimmune diseases, graft rejection or cancer.

While the '561 application does share some similarities with the instant Application, Applicants respectfully maintain that the quinolyl in the '561 compound is not comparable to, and does not make obvious, Applicants' monocyclic pyridyl in the R position on a similar structure, notwithstanding the Examiner's creation of a "bridge...from ['561's] quinoline to [Applicants'] pyridine". As the Examiner has himself stated, "There is no absolute predictability even in view of the seemingly high level of skill in the art", but then went on to extrapolate that the inclusion of specific monocyclic and bicyclic moieties in the R position in the '561 compounds make effectively all other monocyclic groups obvious at that position. He has particularly suggested "motivation to [substitute pyridine for '561's isoquinoline being] provided by Albert *et al*", thus resulting in Applicants' unobvious compounds, as the '561 application "teaches [the equivalence of] systems of single rings and their benzofused form in this system with no loss of activity". The '561 application, which nowhere supports a significant expansion of its scope or documents this conclusion of activity equivalence, cannot support the breadth of that statement, however, as shown in the enclosed Declaration by

Peter von Matt, an inventor of the instant invention.

In Dr. von Matt's Declaration, he clearly shows that the very limited number of compounds, wherein R is a substituted pyridylene moiety, which are currently claimed in the instant Application, are significantly better than the dominant bicyclic-containing compounds of the '561 application. These superiorities and the structural differences between Applicants' compounds and those merely suggested in the '561 application, which cannot be simply be written off as obvious variations, as previously discussed, clearly distinguish Applicants' compounds from those of the '561 application.

The '561 reference simply does not describe or reasonably suggest the structure, components and superior activities that makes Applicants' compounds novel and unexpected.

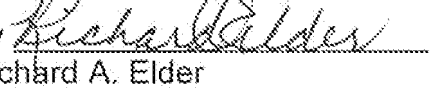
Reconsideration and withdrawal of this rejection is, therefore, respectfully requested.

SUMMARY

In view of Applicants' amendments and arguments, they respectfully believe that all pending Claims are now in condition for allowance and earnestly solicit such favorable action of the Examiner, with an early Notice of Allowance being issued. If any remaining matters need to be resolved, however, Applicants respectfully request a telephone interview (the undersigned attorney may be contacted at the telephone number set forth below) with the Examiner prior to any adverse action being issued by the Office in response to these arguments, in order to facilitate allowance of the pending Claims.

Respectfully submitted,

Dated: March 2, 2010

By 
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